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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,049	10/31/2003	Toshiaki Hata	Q77939	8383

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EXAMINER	
HOLLOWAY III, EDWIN C	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,049	HATA, TOSHIAKI	
	Examiner	Art Unit	
	Edwin C. Holloway, III	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

EXAMINER'S RESPONSE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12-10-07 has been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno (US006914516B2) in combination with Iijima (US 5708307).

Regarding claim 1, Konno discloses an antitheft device (remote lock control apparatus, figs. 1-2) for a vehicle (scooter, fig. 1-2) which is propelled by a driving force of an engine (E, col. 3 line 23), said device comprising:

an operation-equipment limiting part disposed at a vehicle for limiting the operation of operation equipment for said vehicle through external operation (handle lock 17, col. 4 lines 30-54);

a first switch adapted to be turned on from the outside to send a first prescribed ID code (lock button on transmitter 12 operated to send ID code, fig. 1, col. 4 lines 24-29, col. 5 line 64 col. 6 line 8);

an operation-equipment operation determining part that receives said first ID code to generate permission information for releasing a limited state of said operation equipment caused by said operation-equipment limiting part (ID code collation means 21 generating collation result/coincidence signal for unlocking the handle lock if the received ID code coincides with a predetermined code, col. 6 lines 1-43);

a memory for storing said permission information (holding means 23, col. 6 lines 9-17); and

an engine operation limiting part that permits the operation of said engine in response to said permission information, and limits the operation of said engine based on an operating state of said engine (main relay 14 and ignition circuit 11 allowing engine start within preset time in the holding means 23, col. 6 lines 55-67);

wherein said operation-equipment operation determining part stores in advance a second ID code corresponding to said first ID code, collates said first ID code with said second ID code, and generates said permission information thereby to permit the operation of said operation equipment as well as to make said permission information stored in said memory, when the collation result of said first and second ID codes indicates coincidence therebetween (ID code collation means 21 generating collation result/coincidence signal for storage in holding means and for unlocking the handle lock if the received ID code coincides with a predetermined code, col. 6 lines 1-43), and

said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission information (collation means 21 activates main relay 14 for allowing ignition circuit 11 to provide engine start within preset time in the holding means 23, col. 6 lines 55-67), and

But Konno does not expressly discloses the memory is "nonvolatile" nor wherein said permission information is deleted when use of said vehicle is stopped.

However, Iijima discloses an analogous art vehicle anti-theft system with refers to a holding circuit similar to Konno to provide restart without taking time for code collation, but having problems such as not allowing start when the CPU malfunctions. See col. 1. Iijima solves this problem by using a non-volatile memory in the form of an EEPROM that stores a collation result OK flag / permission information. This allows restart without collation. The flag / information is reset or erased when the ignition switch is turned to the off position indicating the use of the vehicle has stopped. See col. 4 lines 53-62, col. 5 line 11-34, col. 5 line 53 - col. 6 line 5 and claim 17.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the holding means of Konno with non-volatile memory storing the permission information as disclosed in Iijima and to have deleted the information when use of the vehicle is stopped as disclosed in Iijima to avoid problems with holding circuits.

Regarding claims 8, the engine operation limiting part of Konno interrupts an ignition signal (Konno, col. 6 lines 62-67).

Regarding claim 9, the engine operation limiting part limiting after shift into a stopped state would have been

obvious in view of Iijima teaching erasing the start permission signal when the stop operation is detected (Iijima claim 17).

Regarding claim 10, the engine operation limiting part of Konno allows operation within a time period, but limits operation when the time has expired (Konno, col. 6 lines 1-67).

Regarding claim 11, said operation-equipment limiting part is not portable would have been obvious in view of the handle lock of Konno being disposed at the vehicle, and not portable, like transmitter 12.

4. Claims 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno (US006914516B2) and Iijima (US 5708307) as applied above and further in view of Yoshizawa (6,414,586).

Regarding claim 6, Konno does not expressly disclose said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder.

However, Yoshizawa teaches, in the art of vehicle security system, said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder (col. 3, lines 33-51, a key 10

in the steering column key receptacle wherein ID code is transmitted) for the purpose of providing engine start.

Regarding claim 6, it would have been obvious to a person skilled in the art at the time the invention was made to have included said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder in the device of Konno because Konno suggests lock button in the transmitter and Yoshizawa teaches said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder for the purpose of providing engine start.

Regarding claim 2, all limitations except a second switch adapted to be turned on from the outside to send a third prescribed ID code in claim 2 are discussed above with regards to claims 1. Konno does not expressly disclose the second switch.

However, Yoshizawa teaches, in the art of remote control system, second switch adapted to be turned on from the outside to send a third prescribed ID code (lock switch 41/51 in addition to unlock switch 42/52) for the purpose of allowing the user to select limiting (lock) of operation.

Therefore, it would have been obvious to a person skilled

in the art at the time the invention was made to have included in the combination applied above the second switch of Yoshizawa to allow the user to positively select operation limitation (locking).

Regarding claim 4, Yoshizawa continues, as claimed in claim 2, to teach said first and second switches generate instruction information corresponding to a plurality of functions to said operation-equipment operation determining part (Fig. 1, first switch 41 to lock a plural doors and second switch 42 to unlock a plural doors).

Regarding claim 5, Yoshizawa continues, as claimed in claim 2, to teach said first and second switches are arranged inside a portable transmitter isolated from said operation-equipment operation determining part (Fig. 1, first switch 41 and second switch 42).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno, Iijima and Yoshizawa as applied above and further in view of Lipschutz (4,583,148).

Regarding claim 3, the combination applied above does not expressly disclose the operation-equipment limiting part comprises an electromagnetic locking device.

However, Lipschutz teaches, in the art of vehicle security system, said operation-equipment limiting part comprises an electromagnetic locking device (col. 2, lines 49-69, an electromagnetic locking device associated with operation-equipment limiting part is activated when key 2 is inserted and correct code is received 1 0 by the actuated transmitter 9) for the purpose of starting the ignition process of the engine. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included said operation-equipment limiting part comprises an electromagnetic locking device in the device of Konno in view of Yoshizawa and Carlo as suggested by Lipschutz because such operation by an electromagnetic locking device provides specific anti-theft measure of the vehicle without unnecessary action of other operations.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno, Iijima and Yoshizawa, as applied above and further in view of Mueller et al. (6,140.914).

Regarding claim 7, Konno in view of Yoshizawa and Carlo is silent on warning from vibration sensor. However, Mueller teaches in the art of vehicle security system, warning from vibration sensor (col. 9, lines 1 7-36, shock warning 250'

associated with vibration warning) for the purpose of providing antitheft feature. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include warning from vibration sensor in the device of Konno in view of Yoshizawa and Carlo as suggested by Mueller because such warning provides the vehicle the anti-theft measure.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno in view of Yoshizawa, Carlo and Iijima as applied above and further in view of Espinosa (5,448,218).

Espinosa teaches, in the art of vehicle security system, interrupting a fuel supply signal to limit engine operation (col. 3, lines 58 to col. 4, line 16, fuel valve control via fuel supply signal), and bringing engine into stopped state and impossible to restart (col. 4, lines 17-26, bringing engine in stopped state and subsequently impossible to restart) for the purpose of providing antitheft feature.

If bringing engine into stopped state and impossible to restart is not clear in the combination applied above, then it would have been obvious to a person skilled in the art at the time the invention was made to have included interrupting a fuel supply signal to limit engine operation and bringing engine into stopped state and impossible to restart in the combination

applied above as suggested by Espinosa because such measure of impossibility to start the engine provides high level of anti-theft system.

Response to Arguments

8. Applicant's arguments filed 12-10-07 have been fully considered but they are not persuasive.

Applicant's argues that the prior art lacks permitting operation of an engine by using permission information in a nonvolatile memory. The argument is not persuasive because the rejection is based on a combination of references where Konno disclosing holding means 23 for holding correlation results and Iijima teaches replacing such a holding circuit with a non volatile EEPROM to store permission information for restart. See col. 1 lines 51-53 and col. 4 lines 53-62 of Iijima.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okamitsu (US 20020041125) discloses a vehicle antitheft system with permission info stored in B/URAM.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The

examiner can normally be reached on M-F from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached on (571) 272-3059.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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